Supreme Court, U.S.
FILED

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No. OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1996

IN RE: THE MARRIAGE OF

WILLIAM W. NESSON, Petitioner

v

GLORIA JEAN NESSON, Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE STATE OF ILLINOIS SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

William W. Nesson
Petitioner, pro se
3114 Cherry Valley Road
Woodstock, Illinois 60098
(815) 455-2748

36 pp

QUESTION PRESENTED

Whether a circuit court's post judgment order is appealable to the appellate court under the due process provision of the 14th Amendment of the United States Constitution.

No._____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1996

IN RE: THE MARRIAGE OF

WILLIAM W. NESSON, Petitioner

v

GLORIA JEAN NESSON, Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE STATE

OF ILLINOIS SUPREME COURT

William Warren Nesson respectfully petitions for a writ of certiorari to review the judgment of the State of Illinois Supreme Court in this case.

OPINIONS BELOW

The order of the State of Illinois Supreme Court, denying leave to appeal. (App., 1a) The order of the Appellate Court of the State of Illinois, Second Judicial District dismissing the appeal. (App., 2a) . The orders of the Circuit Court of the 19th Judicial Circuit, McHenry County Illinois which are the subject orders of the appeal (App., 3a-4a).

JURISDICTION

The Illinois Supreme Court denied certiorari December 4, 1996 (App., 1a). The jurisdiction of this Court is invoked under 28 U.S.C. para. 1257.

STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment of the United States Constitution, which states in part:

> "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

735 ILCS 5/2-1001 (West 1992) (State of Illinois Statutes) states in part:

Para. 2-1001. Substitution of judge.
(a) A substitution of judge in any civil action may be had in the following situations:

(3) Substitution for cause. When cause exists.
(i) Each party shall be entitled to a substitution or substitutions of judge for cause.
(ii) Every application for substitution of judge for cause shall be made by petition, setting forth the specific cause for substitution and praying a substitution of judge. The petition shall be verified by the affidavit of the applicant.
(iii) Upon they filing of a petition for substitution of judge for cause, a hearing to determine whether the cause exists shall be conducted as soon as possible by a judge other than the judge named in the petition.

STATEMENT OF THE CASE

Following a final order in a divorce case, the case was assigned for hearing of a post-judgment motion. Prior to hearing, a petition and affidavit " petition for substitution of judges" was filed. (App., 5a-25a) On July 3, 1996, the hearing judge disregarded this petition over the objection of the Petitioner and ruled on the motion.

On July 17,1996, the attorney for the children brought a motion to be discharged from the case. The hearing judge granted the motion, while refusing to hear Petitioner. (Transcript of the proceedings at App., 26a - 29a)

PROCEEDING BELOW

On August 22, 1996, the Appellate Court dismissed the appeal of the post judgment orders without explanation. (App., 2a)

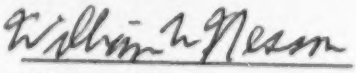
REASONS FOR GRANTING THE WRIT

The right to be heard and the right to appeal actions of the trial court are fundamental to due process as granted by the Constitution. The defense of these rights warrant a writ of Certiorari.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



William W. Nesson
Petitioner, pro se

William W. Nesson
3114 Cherry Valley Road
Woodstock, Illinois 60098
(815) 455-2748

APPENDIX

81927

ILLINOIS SUPREME COURT
JULEANN HORNYAK, CLERK
SUPREME COURT BUILDING
SPRINGFIELD, ILL. 62706
(217) 782-2035

December 4, 1996

Mr. William W. Nesson
3114 Cherry Valley Road
Woodstock, Il 60098

No. 81927 - William W. Nesson, petitioner, v. Gloria Jean Nesson, respondent. Leave to appeal, Appellate Court, Second District

The Supreme Court today DENIED the petition for leave to appeal as a matter of right or leave to appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on December 26, 1966.

STATE OF ILLINOIS APPELLATE COURT SECOND DISTRICT

OFFICE OF THE CLERK
847/695-3750

APPELLATE COURT BUILDING
ELGIN, ILLINOIS
60120-5558

Appeal from the Circuit Court of County of McHenry
Trial Court No.: 89d450
THE COURT HAS THIS DAY, 08/22/96, ENTERED THE FOLLOWING FINAL ORDER IN THE CASE OF:
Gen. No.: 2-96-0813
IRMO: Nersson, William & Gloria

Motion by appellee, Gloria J. Nesson, to dismiss this appeal and objections thereto by appellant. Motion by appellee is allowed, and this appeal is hereby dismissed. THIS ORDER IS FINAL AND SHALL STAND AS THE MANDATE OF THIS COURT.
(Geiger, Rathje, JJ.)
(Hutchinson, J. took no part)

LOREN J. STROTZ
Clerk

cc: William W. Nesson
Maureen P. McIntyre
Karen M. Lavin
Emery L. Duffy

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS) GEN. NO. 89D450
COUNTY OF McHENRY)

NESSON vs. NESSON

7/17/96

ORDER

The Motion by Emery L. Duffy to be discharged as attorney for the children having come on for a hearing, and

The Court finds:

1) That Emery L. Duffy was previously appointed attorney for the children in the above entitled case
2) That thereafter a Judgment of Dissolution of Marriage entered in the above matter and a mandate issued in the above matter and filed of record.
3) That pending matters do not involve the children.

IT IS HEREBY ORDERED that Emery L. Duffy be and he hereby is discharged as attorney for the children in the above entitled case.

/s/ Conrad F. Floeter

Filed JUL 17 1996

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS) GEN. NO. 89D450
COUNTY OF McHENRY)

WILLIAM NESSON vs. GLORIA NESSON

7/3/96 Plaintiff's Attorney Pro Se Defendant's Attorney H&M

ORDER

Arguments Having Been Heard on Limited Matters Assigned To The Undersigned Judge:

1) It is Ordered That Def. Motion To Strike Plf. Petition For Substitution of Judge, is Granted; Said Petition Being Untimely.

2) It is Ordered That Def. Motion To Strike Plf Petition For Change of Venue, is Granted; Said Petition Reciting No Facts.

/s/ Conrad F. Floeter

Filed JUL 3, 1996

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

IN RE: THE MARRIAGE OF	)	
	)	
WILLIAM W. NESSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 89 D 450
	)	
GLORIA JEAN NESSON,	)	
	)	
Defendant,	)	

PETITION FOR SUBSTITUTION OF JUDGES

Your Petitioner, William W. Nesson, respectfully represents to this honorable Court as follows:

1. Your petitioner is a party in this above-entitled cause.

2. This case has been assigned to be heard by the Honorable Judge Floeter, on Motion for Substitution of Judge and Hearing on Petition for Change of Venue.

3. That the Honorable Judge Floeter has not made any ruling or heard any evidence in the above cause.

4. That this petition for substitution of judge is brought pursuant to 735 ILCS 5/2-1001 (a)(3) Substitution for cause. Your Petitioner fears that he may not receive a fair and impartial hearing in this Court if said cause is heard before the Honorable Floeter, see attached affidavit.

5. Venue statute should be given a liberal rather than a strict construction so as to promote rather than defeat the right to change of venue, particularly where prejudice on part of judge is charged. Howarth v. Howarth, 1964, 47 Ill. App.2d 177, 107 N.E.2d 736; Oberman v. Byrne, 1982, 60 Ill.Dec. 786, 104 Ill.App.3d 1046, 433 N.E.2d 1024; Pavis v. Jewel Tea Co., 1977, 11 Ill.Dec. 168, 53 Ill.App.3d 287, 368 N.E.2d 719; Frede v. McDaniels, 1976, 37 Ill. App.3d 1053, 347 N.E.2d 259; Anderson v. City of Wheaton, 1975, 25 Ill.App.3d 100, 323 N.E.2d 129; Rosewwod Corp. v. Transamerica Ins. Co., 1974, 57 Ill.2d 247, 311 N.E.2d 673; Board of Ed. of Tp. High School, Dist. No. 201 v. Morton Council West Suburban Teachers Union, Local 571, 1972, 50 Ill.2d 258, 278 N.E.2d 769.

Petitioner therefore prays a change of venue in this cause from his honor, Judge Floeter and for an order that said cause be heard by a judge outside of the 19th Judicial Circuit.

_____

Petitioner

WILLIAM NESSON, being duly sworn, on oath, states that he has read the foregoing petition and that the same is true in substance and in fact.

Signed and sworn to before me

May 24, 1996

_____

Notary Public

William W. Nesson
3114 Cherry Valley Road
Woodstock, Illinois 60098
(815) 455-2748

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

IN RE: THE MARRIAGE OF	)	
	)	
WILLIAM W. NESSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 89 D 450
	)	
GLORIA JEAN NESSON,	)	
	)	
Defendant,	)	

AFFIDAVIT IN SUPPORT OF SUBSTITUTION OF JUDGES

Now comes William W. Nesson, being first duly sworn on oath and deposes and says as follows:

1. That the affiant sets forth the following facts in support of a request for a change of venue from the Honorable Judge Floeter to outside the 19th Judicial Circuit.

A. That it is the affiant's belief that the Circuit Judges of the 19th Judicial Circuit appoint the Associate Judges of the 19th Judicial Circuit.

B. That it is the affiant's belief that on July 1, 1995, that the Circuit Judges of the 19th Judicial Circuit reappointed the Honorable Judge Haskell Pitluck to serve as an Associate Judge of the 19th Judicial Circuit.

C. That the Circuit Judges of the 19th Judicial Circuit knew or should have known the following:

1. That the Honorable Judge Haskell Pitluck has shown extreme prejudice toward affiant in that he allowed divorce trial, McHenry case No. 89 DV 450, involving child custody to last over two and a half years.
2. That the Honorable Judge Haskell Pitluck has shown extreme prejudice toward affiant in that said judge delayed in making his decision until almost a year after closing arguments.
3. That the Honorable Judge Haskell Pitluck has shown extreme prejudice toward affiant in that he made prejudicial remarks about letters of the affiant to the Chief Judge concerning the delay in a decision being made, and blatantly disregarded the Chief Judge's suggestion that the court decision be expedited. (See attached Exhibit A.)
4. That the Honorable Judge Haskell Pitluck has criticized affiant for looking at the court file.

5. That the Honorable Judge Haskell Pitluck failed to grant a continuance at a fee petition for the illness of affiant's attorney and ordered the proceedings to go forward with attorneys associate over affiant's objection.

6. That the Honorable Judge Haskell Pitluck showed prejudice by granting affiant only three days to acquire new co-counsel on fee petition, and file reply.

7. That the Honorable Judge Haskell Pitluck showed prejudice to affiant by holding an ex-parte conversation with Maureen McIntyre during the dissolution proceeding when an issue came up about the deposition of the children's therapist.

8. That the Honorable Judge Haskell Pitluck sentenced affiant to six months in jail for failure to pay attorneys fees without a hearing as to the financial conditions of the parties.

9. That the Honorable Judge Haskell Pitluck ordered the release of and turned over the personal notes of affiant's psychiatrist in violation of the mental health confidentially statutes.

10. That the Honorable Judge Haskell Pitluck refused to cut-off discovery, and allowed discovery to continue even after closing arguments.

11. That the Honorable Judge Haskell Pitluck has made the remark on 7/18/94 in open court, "Mr. Nesson is sitting back laughing at everybody ...."

12. That the Honorable Judge Haskell Pitluck's custody

decision was manifestly against the evidence and filled with his person prejudice toward the affiant.

12A The expressed desires of the oldest child, D.O.B. 4/30/78, were disregarded even though he told Judge Pitluck repeatedly, " I want to go with my father."

12B The recommendations of three of the four professionals testifing on custody and recommending that the affiant be awarded physical custody were disregarded.

12C. The testimony of the fourth professional testifing on custody, Dr. Larry Bennett, although his testimony was not creditable, was given extreme weight because headvocated that physical custody not be given to the affiant.

i Dr. Larry Bennett had never seen the children, and had not seen the parents in the two years prior to his testimony.

ii The affiant testified on numberous occasions that he perceived that he had a personality conflict with Dr. Larry Bennett, and that prior to Dr. Larry Bennett making his recommendation known, the affiant expressed his concern about the perceived personality conflict directly with Dr. Larry Bennett, at which time the affiant made the request that another custody evaluator complete the evaluation.

iii The affiant testified that Dr. Larry Bennett had assured him that this was his evaluation technique, to put the subject under extreme stress to test how the subject would react to this stress.

Affiant further testified that he accepted Dr. Larry Bennett's explanation and withdrew the request for another evaluator.

iv During the trial, Dr. Larry Bennett identified Defendant's Exhibit 47 as being a copy of his personal notes.

v It was brought out during the trial that a section was missing from the notes that Dr. Larry Bennett had identified.

vi Dr. Larry Bennett then produced a copy of what he claimed was a correct copy of notes, and that this copy included the missing section.

vii When asked of the missing section, "somebody took it out, but not you?" Dr. Larry Bennett answered, "Yes".

viii Judge Pitluck failed to show any concern when Dr. Larry Bennett stated, "There is some wording on there that should not go in." So Dr. Larry Bennett was allowed to remove and keep secret "words" that had been written on the "missing page".

ix Affiant testified that the session for which the notes were missing was the session at which he had expressed the concern of the personality conflict and requested that another evaluator finish the evaluation.

x The "corrected copy" of notes provided by Dr. Larry Bennett made no reference to the affiant having requested a different evaluator.

xi Dr. Larry Bennett was asked, "Then you don't talk to them [the attorneys]. After that interview you don't talk to

them?"
Dr. Larry Bennett answered, "That's correct."
Dr. Larry Bennett was asked, "What is the reason for that policy?"
Dr. Larry Bennett answered, "What is there to talk about? We are being retained to issue an opinion. Once we issue the opinion, that's our opinion. We are not going to change it."
Dr. Larry Bennett was asked, "Did you follow that policy n this case?"
Dr. Larry Bennett answered, "I believe I did."
Dr. Larry Bennett was asked, "Have you ever spoken with Miss McIntyre before today's date?"
Dr. Larry Bennett answered, "Sure."
Dr. Larry Bennett was asked, "And, on how many occasions?"
Dr. Larry Bennett answered, "From the time that she subpoenaed me, probably twice."
Dr. Larry Bennett was asked, "Did you, in fact, speak to her prior to that time?"
Dr. Larry Bennett asking for clarification, "Prior to the time she subpoenaed me?"
Clarification, "Yes."
Dr. Larry Bennett answered, "I don't think so."

Dr. Larry was asked, "She didn't call and talk to you about this case?"

Dr. Larry Bennett answered, "I don't recall that. I don't know the order of the sequence."

Dr. Larry Bennett was asked, " And, you never had a conversation with Miss Claxton about her being upset that you had spoken with Mrs. McIntyre?"

Larry Bennett answered, "No."

xii Miss Claxton was asked: "Now how about Maureen McIntyre, did she ever contact you about the case?"

Miss Claxton answered, "No, but she contacted Dr. Bennett, my colleague..."

Miss Claxton was asked, "And what was the conversation as far as you know with Dr. Bennett?"

Miss Claxton answered, "They apparently had a lengthy discussion about Mr. Nesson's traits, and Dr. Bennett I believe offered to copy for her some material out of some text. I just admonished him to make sure Cindy got the same material whatever it would be. I also told him not to have that kind of conversation again."

xiii Upon this question being asked, the Mrs. McIntyre went into a tryraid that she had the legal right to talk to her witnesses prior to the trial.

xiv In her fee petition, the Mrs. McIntyre wife claimed she

spent one hour in a phone conversation with a consultant.

xv It is affiant's belief that that consultant was Dr. Larry Bennett.

xvi When asked to identify the consultant in order to justify her fee, Mrs. McIntyre objected to being required to give that information.

xvii The Honorable Judge Haskell Pitluck upheld the objection, so we do not who that consultant was.

xviii Despite the above, Judge Pitluck indicated his high regard for Dr. Bennett when referring to the need for a mediator he stated, " If I were to recommend anyone from this case, I would recommend Dr. Bennett."

12D. The Honorable Judge Haskell Pitluck gave little weight to the testimony of Ms. Lisa Pawlack, even though she had been appointed by court order to provide counseling for the minor children, and had seen them on a weekly basis for about a year and a half.

i Ms. Pawlak testified that, "Jackie said she was upset that when her dad brought her home and they were in the foyer she told her father that she loved him and gave him a hug and then said she remembered or told me that her mother said that she didn't want to hear that in this house."

ii Ms. Pawlak testified that, "Michael told me that he was upset that dad had arrived early and that mom wouldn't let

him go early and that mom told him that he can'have him early, and to get off her property otherwise she will call the police." Dad was fifteen minutes early. He left and came back.

iii Ms. Pawlak testified Michael " reported an incident and said that mom told me that dad didn't want me, and I was very upset and I cried. And then I asked him if he called his dad to check that out because sometimes it is important to check things out and that he said he had called his dad and asked his dad if, in fact, he was a wanted or unwanted child, and he was upset about that situation. ... He told me that dad said he was wanted and that he was loved, and not to worry about it."

iv Even though issues had been raised regarding affiant's sexual interests, when Ms. Pawlak was asked, "Was there anything you picked up in working with Mr. Nesson or the children here that gave you reason to think there was some risk that Mr. Nesson's sexual interests would carry over to the children in any manner that might be detrimental to them?" The attorney for the children objected to the question because Ms. Pawlak was not licensed with the State (no license is required) and Judge Pitluck refused to even hear the answer.

12E. By agreed order dated Aug. 2, 1989, Virginia St.

Associates (aka Claxton and Associates) was to provide a custody evaluation to the Court.

i This evaluation, dated Nov. 1, 1989, was prepared by Ms. Judy Claxton and Dr. Larry Bennett and was not favorable to the affiant.

ii Affiant requested requested a second custody evaluation from another evaluator, based upon both the lapse of time and the biasness of the previous evaluators.

iii Judge Pitluck ordered a reevaluation, but refused affiant's request for a different evaluator.

12F. Ms. Judy Claxton participated in both evaluations. In the second evaluation she switched her recommendation and recommended that affiant be given physical custody of the minor children.

i Ms. Claxton testifies that, "He [Michael] has consistently expressed a preference to be with his father, since 1989. Jacqueline, however, in this particular 1991 evaluation, was very clear that she preferred to live with her father, whereas in 1989 she was more ambivalent and actually did some flip-flopping with her opinions thoughout the 1989 assessment."

ii Ms. Claxton testified that "the Bricklin Scales, the perception of parents test, which offers some quantative data about the child's preferences for one parent over

the other that ... there are thirty-two questions of each parent and I know that in the high 20's maybe 24, 25 responses for each child were indicating the father is the parent of choice whereas only six or seven responses were indicting the mother is the parent of choice."

iii Ms. Claxton testified that, "Michael has always felt, I think, closer to his father but during the second evaluation what I observed is significant changes that he was not only maintaining a closeness with his father, he was feeling a sense of distancing from his mother and he specifically complained that he didn't feel he could communicate with her, that she wasn't able to listen to him or understand his thoughts and feelings. He indicated that there were frequent conflicts between them, there were a lot of fights with them and that he was choosing to handle this by withdrawing from the conflict, so, sometimes he just chose to go to his room rather than to argue with his mom."

iv. Ms. Claxton testified that, "He [Michael] was fearful of showing his mother a grade that had gone from an A to a B+. He was in an accelerated program."

v. Ms. Claxton testified that "the children feel that they are free to call their mother while they are at their father's home. They do not feel that same sort of permission to call their father while they are at their mother's house."

vi Ms. Claxton testified that, " ... the children during the first evaluation told me that in observing the fights between their parents that they again saw their motherstrike the father, both of them told me, I think, somewhere between ten or fifteen times. They never saw their father hit their mother. That their mother called their father names but again they did not hear their father make negative remarks about the mother. They both perceive that their mother was the initiator of fights."

13. That Judge Haskell Pitluck permitted the attorney for affiant's wife to subpoena the personal notes of affiant's psychiatrist in violation of the mental health confidentiality statutes. The affiant's psychiatrist sent his notes directly to Judge Haskell Pitluck, so that the en camera hearing on the notes, as required by statute, could take place.Judge Pitluck disregarded statute, and released the affiant's psychiatrist's personal work product notes, without the mandated en camera hearing later stating of the notes, "... they came out of the blue in the mail one day. I called the people and said here they are. I had no idea of what I was getting them for, for what."

14. That Judge Haskell Pitluck showed extreme prejudice by holding that real estate acquired by the affiant prior to the marriage was marital property.

i Affiant purchased vacant land prior to the marriage. (1975)

ii Title to the above land at all times was solely in the affiant's name.

iii That the martial residence was never on this land.

iv That in 1985, and "small" house was built on this land.

v. That the affiant's wife stated for the record that, "Defendant does not know what amenities are lacking in the Bull Valley house..."

vi That affiant's wife testified that they argued constantly about her name being put on the title, and that affiant had consistently refused to put her name on the title.

vii Affiant's wife testified she had been to the Cherry Valley house "approximately 10 to 15 times."

viii Affiant testified that he did not place his wife's name on the title of the real estate because he was unmarried when it was purchased and that at that time his attorney advised him that he should not put her name on the title.

15. That Judge Haskell Pitluck showed extreme prejudice by awarding virtually 100% of the marital property to affiant's wife.

i Judge Haskell Pitluck stated that there was precedent for awarding 100% of the martial property to one spouse.

ii Judge Pitluck awarded both residences completely to affiant's wife.

iii There was undisputed evidence introduced that about 70% of the income during the marriage was affiant's nonmarital income. (Premarital investments.)

iv In addition, Judge Pitluck ordered affiant to pay about 75% of the remaining fees for the affiant's wife's attorney, and 80% of the fees of the GAL and attorney for the children.

16. On March 3, 1993, which was after both closing arguments and the first scheduled date for the final decision, Judge Pitluck continued the final decision, while ordering affiant to pay to is wife 100% of his cash dividends, interest, and royalty income, in addition to 25% of his wages.

i This left the affiant only about $144.75 per week to live on, while Judge Pitluck delayed his final decision.

ii By comparison, in addition to receiving both residences, affiant was ordered to pay unallocated family support in the amount of $1,000 per month.

iii Judge Pitluck discriminated against the affiant by barring forever his maintenance, while making affiant's wife's maintenance reviewable and thus subject to indefinite continuation.

17 That Judge Haskell Pitluck failed in his responsibility to affiant's children to properly supervise the attorney that he appointed to represent them.

i That on December 11, 1989, a previous judge appointed

Ms. Karen Lavin as GAL for the affiant's children.
(D.O.B. 4/30/1978 and 10/3/1980)

ii That on July 29, 1991, Judge Pitluck appointed Mr. Emery Duffy as attorney for the children.

iii That according to his fee petition, Mr. Emery Duffy talked to the children for 40 minutes on Aug. 6, 1991.

iv That according to his fee petitions, Mr. Emery Duffy never again talked to his clients.

v That Mr. Emery Duffy was in Court and heard three custody professional recommend that the affiant be given custody of the children.

vii That Mr. Emery Duffy should have known that Dr. Larry Be[illegible]ett was totally lacking in creditablity and had never talked to the children.

viii That Mr. Emery Duffy was present on June 12, 1991 when affiant's son D.O.B. 4/30/78 stated to the Judge Pitluck repeatedly that he wanted to live with his dad.

ix That dispite the above, that Mr. Emery Duffy argued that affiant's wife be given physical custody of the children.

x That Judge Pitluck awarded Mr. Emery Duffy $13,700 in fees without hearing.

xi That Judge Pitluck was grossly neglect in his responsibility to supervise the attorney which he had appointed to represent the children, and ordered that affiant (and

affiant's wife) to pay $13,700, when Mr. Emery Duffy failed to communicate with his clients or to act as an advocate of their wishes.

18 The record reflects these additional acts of prejudice toward the affiant.

i Judge Pitluck said of the custody decision, " it is one of the easiest decisions I've had to prepare.

ii Judge Pitluck displayed his ill temper by threatening, "you ain't seen nothing yet, let me tell you" when the attorney made reference to the personal notes of the affiant's psychiatrist that said affiant considered "what Judge Pitluck did was weird or novel" when Judge Pitluck ordered Ms. Judy Claxton and Larry Bennett to do a second custody evaluation over the affiant's objection that a personality conflict existed between Larry Bennett and the affiant.

iii Judge Pitluck awarded a judgment for fees against the affiant without hearing any evidence as to the financial condition of the parties. And when affiant's attorney objected to the awarding of fees without a proper hearing to determine the reasonableness of the fees, Judge Pitluck replied, "I don't have any problem with it at all."

iv Judge Pitluck constantly refused to let affiant explain or elaborate on answers when affiant felt the questions could not be properly answered with a simple "yes" or "no" or

that an additional explanation was necessary to fully understand the situation.

D. That by reappointing the Honorable Judge Haskell Pitluck to serve as an Associate Judge, the Circuit Judges of the 19th Judicial Circuit have demonstrated their prejudice toward the affiant.

E. Since that the Associate Judges are appointed and reappointed by the Circuit Judges of the 19th Judicial Circuit, is it questionable whether any Associate Judge could be impartial regarding issues involving their Circuit Judges.

2. That if sworn and called to testify, affiant would testify as to the true and substance of the above stated facts.

_____

Affiant

William W. Nesson
3114 Cherry Valley Road
Woodstock, Illinois 60098
(815) 455-2748

Signed and sworn to before me
_____, 19_____

_____

Notary Public

Circuit Court of Illinois
19th Judicial Circuit

18 NORTH COUNTY STREET
WAUKEGAN, ILLINOIS 60085-4359
(708) 360-6407

Chambers of
JOHN R. GOSHGARIAN
CHIEF JUDGE

Mr. William W. Nesson
P.O. Box 66
Crystal Lake, Il 60039-0066

Re: Your letter of July 26, 1993

Dear Mr. Nesson:

Please phone me, if a final order is not filed by August 12th.

Very truly,
/s/
JOHN R. GOSHGARIAN,
Chief Judge

a
pc: Judge Michael J. Sullivan
Judge Haskell M. Pitluck

STATE OF ILLINOIS)
) S.S.
COUNTY OF McHENRY)

IN THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

IN RE:	THE MARRAGE OF	)	
		)	
	WILLIAM W. NESSON	)	
		)	
	and	)	89 DV 450
		)	
	GLORIA J. NESSON	)	

REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause before the Honorable CONRAD F. FLOETER, Judge of said court, on the 17th day of July, 1996.

APPEARANCES:
MR. EMERY DUFFY,
Appeared for the Minor Children;
MR. WILLIAM W. NESSON
Appeared Pro Se.

Karen B. Farrenkopf, CSR
Official Court Reporter
2200 North Seminary Avenue
Woodstock, Illinois 60098

THE COURT: Let me see if I can quickly resolve a civil matter.

There has been sent to this courtroom In Re: The Marriage of William W. Nesson, N-e-s-s-o-n, and Gloria J. Nesson, case 90 D 450.

I remember Mr. William Nesson from last week, and Mr. Duffy, apparently, one of the attorneys. I saw one of the other attorneys here eatlier.

Glanciing at the file, a Notice of Appeal was filed.

MR. DUFFY: That's correct, but let me say to the Court I'm here to get discharged as attorney for the minors, one of which is over eighteen.

I have some law that says the Court always retains jurisdiction for independent and collateral matters. I was never involved in

those other things, Judge.

What occurred was after the remittitur come down on the divorce, Maureen McIntyre filed a motion to lift the stay and they - - and he and Maureen were accepting notices to each other. I was never part of that.

THE COURT: So the minors have reached majority - -

MR. NESSON: No, your Honor.

MR. DUFFY: Excuse me.

One of the minors is and the other is seventeen, but the mother's got custody of that minor. That is a totally independent action.

THE COURT: All right.

MR. DUFFY: And I'm asking I be discharged.

THE COURT: I'm going to grant that.

MR. NESSON: Okay.

THE COURT: This is all about funds, as I recall from our hearing.

MR. NESSON: Okay - -

THE COURT: As far as re-hearing anymore of what went on a couple weeks ago, you filed your Notice of Appeal so all your remedies will be found in the Appellate Court; and with the filing of the Notice of Appeal, this Court loses jurisdiction to hear any matters related to that.

MR. DUFFY: Thank you, Judge.

MR. NESSON: Your Honor - -

THE COURT: I can't. There's nothing pending.

MR. NESSON: Wait a minute - - okay.

THE COURT: You wrote the ticket to the Appellate Court. That's where you are. All right.

MR. NESSON: Okay.

(WHICH WERE ALL THE PROCEEDING HAD ON THE ABOVE-ENTITLED CAUSE THIS DATE.)